

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.,

Defendant.

CRIMINAL NO. 05-10154-MLW

**DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE TO FILE REPLY IN
SUPPORT OF HIS RENEWED MOTION FOR EXCULPATORY EVIDENCE**

Pursuant to Local Rule 7.1(B)(3), defendant John Diamont moves for leave of Court to file a Reply in Support of His Renewed Motion for Exculpatory Evidence. The government assents to this Motion. Diamont believes a brief reply is necessary, in the interests of justice, to allow him to rebut some of the more glaring misconceptions and inaccuracies in the government's Opposition, and Diamont is prepared to file such Reply on February 12, 2007.

WHEREFORE, the defendant asks the Court to grant him leave to file, on or before February 12, 2007, a Reply in Support of His Renewed Motion for Exculpatory Evidence.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
Michael Kendall (BBO #544866)
Lauren M. Papenhausen (BBO #655527)
McDERMOTT WILL & EMERY LLP
28 State Street
Boston, MA 02109
617-535-4000
Fax: 617-535-3800
mkendall@mwe.com
lpapenhausen@mwe.com

Dated: February 9, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issues presented in this Motion. Counsel for the government has assented to this Motion.

/s/ Lauren M. Papenhausen

CERTIFICATE OF SERVICE

I, Lauren M. Papenhausen, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 9, 2007.

/s/ Lauren M. Papenhausen

BST99 1531491-1.073607.0010